

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ACTUS, LLC,

Plaintiff,

v.

BANK OF AMERICA CORP., et al.

Defendants.

CIVIL ACTION NO. 2:09-cv-102-TJW

JURY TRIAL DEMANDED

UNOPPOSED MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT

Plaintiff Actus, LLC (“Actus”) hereby files this Unopposed Motion for Leave to File Third Amended Complaint and respectfully shows the Court as follows:

Pursuant to Fed R. Civ. P. 15(a)(2), Actus respectfully requests leave to file its Third Amended Complaint. A copy of the Third Amended Complaint is attached as Exhibit A. Actus’ Third Amended Complaint removes certain parties and removes one of Defendant Western Union Financial Services, Inc.’s products and services. There are no other changes.

Counsel for Actus notified counsel for Defendants via email of its intent to file this motion on Wednesday, February 10, 2010. In that email, Actus requested that any objections to this motion be made known to Actus by Thursday, February 11, 2010 and that if no objections were made, Actus would assume that there was no opposition. No Defendant has responded. Consequently, Actus believes in good faith that this motion is not opposed.

Dated: February 16, 2010

Respectfully Submitted,

By: /s/ William E. "Bo" Davis, III

William E. "Bo" Davis III, *Lead Attorney*
Texas State Bar No. 24047416

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**ATTORNEY FOR PLAINTIFF
ACTUS, LLC**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 16th day of February, 2010.

/s/ William E. Davis, III
William E. Davis, III

CERTIFICATE OF CONFERENCE

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